



Via CM-ECF

June 4, 2024

Hon. Lawrence J. Vilardo
United States District Judge
Robert H. Jackson United States Courthouse
2 Niagara Square
Buffalo, New York 14202

**Re: *John Walker, Jr. v. City of Buffalo, et al. WDNY Case No. 1:22-cv-00520*
*Darryl Boyd v. City of Buffalo, et al. WDNY Case No. 1:22-cv-00519***

Dear Judge Vilardo:

I write to advise you that we filed the Appendices to the County of Erie's Motions for Summary Judgment at approximately 20 minutes after the midnight deadline last night. The late filing was the result of my failure to ensure the compatibility of our exhibits with ECF. We were on the ECF system with the Appendix at 9:06 p.m. Unbeknownst to me, one of the attachments I included in the Appendices was in a format not compatible with ECF. All of the documents in the Appendices have been previously disclosed to the Plaintiffs in the course of discovery.

In addition, we inadvertently filed the Notice of Motion (Dkt. 167), Statement of Material Facts (Dkt. 167-1), and Memorandum of Law (Dkt. 167-2) for the Walker action on the Boyd docket. We have since corrected this filing after contacting the Clerk's office for the Western District of New York. Further, we discovered that the Memorandum of Law in the Boyd matter (Dkt. 166-2) was apparently corrupted upon conversion. Accordingly, we have filed a corrected version.

Therefore, we are respectfully requesting a *nunc pro tunc* extension of time to correctly file the Appendices, the Notice of Motion and Memoranda of Law.

We have not yet spoken with Plaintiff's counsel but want to express our gratitude to both the Court and counsel for the courtesies rendered to us in the past few days. We do not take them for granted.

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If the Court should require anything further, please let me know.

Respectfully,

A handwritten signature in black ink, appearing to be 'JP' or 'Persico'.

Jennifer C. Persico, Esq.